

Public Law 436

CHAPTER 408

June 28, 1954
[H. R. 8923]

AN ACT

To provide for the development of the Coosa River, Alabama and Georgia.

Coosa River,
Ala. and Ga.
Development.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in connection with the comprehensive program for the development of the water resources of the Alabama-Coosa River and tributaries, authorized by the Rivers and Harbors Act, approved March 2, 1945 (59 Stat. 10), it is hereby declared to be the policy of the Congress, where private interests are considering applying for authority to undertake the development of resources covered by such authorization, that the power from such development shall be considered primarily for the benefit of the people of the section as a whole and shall be sold to assure the widest possible use, particularly by domestic and rural consumers, and at the lowest possible cost.

Suspension of
plan.

59 Stat. 17.

Dams.

41 Stat. 1063; 49
Stat. 863.
16 USC 791a.
Public uses.

SEC. 2. The authorization of the comprehensive plan for the Alabama-Coosa River and tributaries, as provided in the Rivers and Harbors Act, approved March 2, 1945, insofar as it provides for the development of the Coosa River for the development of electric power, is hereby suspended to permit the development of the Coosa River, Alabama and Georgia, by a series of dams in accordance with the conditions of a license, if issued, pursuant to the Federal Power Act and in accordance with the provisions and requirements of this Act.

SEC. 3. The series of dams, together with the existing hydroelectric power dams on the Coosa River, shall, in the judgment of the Federal Power Commission, be best adapted to the comprehensive plan for the development of the Coosa River for the use or benefit of interstate commerce, for the improvement and utilization of water-power development, and for other beneficial public uses, including recreational purposes.

Navigation fa-
cilities.

SEC. 4. The dams constructed by the licensee shall provide a substantially continuous series of pools and shall include basic provisions for the future economical construction of navigation facilities.

Flood control.

SEC. 5. The license relating to such development shall require the maximum flood control storage which is economically feasible with respect to past floods of record but in no event shall such flood control storage be less than that required to compensate for the effects of valley storage displaced by the proposed reservoirs of the licensee; or less in quantity and effectiveness than the amount of flood control storage which could feasibly be provided by the currently authorized Federal multiple purpose project at Howell Mill Shoals constructed to elevation 490, with surcharge storage to elevation 495.

Report to FPC.

SEC. 6. Before a license is issued, the applicant for the license shall submit a report on the details of its plan of development to the Federal Power Commission.

Review and rec-
ommendations.

SEC. 7. The Chief of Engineers shall review any plan of development submitted to the Federal Power Commission for the purpose of acquiring a license and shall make recommendations with respect to such plan to such Commission with particular regard to flood control and navigation, and its adaptability to the comprehensive plan for the entire basin development.

Construction.

SEC. 8. The license may provide for the construction of the series of dams in sequence on the condition that the dam or dams providing the maximum flood control benefits shall be constructed first unless a different order of construction is approved by the Secretary of the Army.

SEC. 9. The operation and maintenance of the dams shall be subject to reasonable rules and regulations of the Secretary of the Army in the interest of flood control and navigation.

Operation and maintenance.

SEC. 10. An allocation of cost of flood control provided in addition to that required to compensate for displaced valley storage and of cost of navigation shall be approved by the Federal Power Commission, taking into consideration recommendations of the Chief of Engineers based upon flood control and navigation benefits estimated by the Chief of Engineers.

Flood control allocation.

SEC. 11. If the Federal Power Commission shall issue a license under this Act, the Commission shall simultaneously make a full report to the Public Works Committees of the Senate and House of Representatives of the Congress, setting out the major provisions and conditions inserted in such license, and a copy of the Commission's report shall forthwith be submitted to the Chief of Engineers who shall review the same and promptly submit to said committees his views as to whether the major provisions and conditions in such license are adaptable to the comprehensive plan. In the event the Congress by legislative enactment adopts a policy of compensating such licensees for navigation and flood control costs, any such allocated navigation and flood control costs are hereby authorized to be compensated through annual contributions by the United States.

FPC license. Report.

SEC. 12. Unless it is beyond the reasonable control of a licensee acting in good faith and exercising due diligence: (1) an application for a preliminary permit under the Federal Power Act relating to the development of the Coosa River shall be prosecuted with reasonable diligence before the Federal Power Commission; (2) an application for a license to construct such dams shall be filed with such Commission within two years after the date of the enactment of this Act; (3) construction of one such dam shall be commenced within a period of one year subsequent to the date of the issuance of a license by such Commission; (4) at least one such dam and its powerplant shall be completed and in operation in accordance with the terms of the license within five years from the date of the issuance of such license by such Commission; and (5) the remaining dams included in the license issued by such Commission shall be completed within ten years from the date of the commencement of construction of the first dam, subject to the provisions of section 13 of the Federal Power Act: *Provided*, That if any of such conditions are not fulfilled, or if the Commission denies the application for a license, the authorization relating to the Alabama-Coosa River provided for in the Act, approved March 2, 1945, shall have the same status as it would have had if this Act had not been enacted, so far as the uncompleted project works are concerned; in which event the outstanding license may be terminated or revoked and the uncompleted and completed project works may be sold or acquired by the United States as provided in sections 13 and 26 of the Federal Power Act.

Time limitations, etc.

16 USC 791a.

16 USC 806.

59 Stat. 17.

16 USC 806, 820.

SEC. 13. Nothing in this Act shall be deemed to affect in any way the authorization of the development of the Alabama-Coosa River and tributaries other than that portion of the development involving projects on the Coosa River or the authority of the Federal Power Commission to issue a license for the complete development of the Coosa River by States or municipalities under section 7 (a) of the Federal Power Act or to find under section 7 (b) of said Act that the development should be undertaken by the United States itself.

16 USC 800.

Approved June 28, 1954.